

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

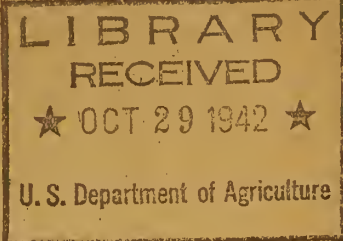
September 1942

1.942
S33P942
Fsa-2
cop.1

UNITED STATES DEPARTMENT OF AGRICULTURE
U.S. Agricultural Marketing Administration

PROSECUTIONS AND SEIZURES UNDER THE INTERSTATE
CLAUSE (TITLE II) OF THE FEDERAL SEED ACT

(October 1, 1941 to June 30, 1942 (15-32))



15. False and incomplete labeling of bluegrass seed. U. S. v. A. B. Beverstock, trading as the U. J. Cover Seed Co. Mt. Gilead, Ohio. Plea of nolo contendere. Fine, \$200.00. (F. S. 307)

U. J. Cover Seed Company, Mt. Gilead, Ohio, delivered for transportation on September 2, 1940 from Mt. Gilead, Ohio to Gaithersburg, Maryland 17 bags of bluegrass seed.

Information was filed in the United States District Court for the Southern District of Ohio alleging that the U. J. Cover Seed Company unlawfully delivered for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act. The violations consisted of the following:

1. Labels attached to the bags bore in part the statements "Ky. Blue Grass - 85% pure" whereas a sample representing the seed was found to contain 28.79 percent pure bluegrass seed.
2. The labels bore in part the statement "Test Jan. 1940" whereas the seed was delivered for transportation in interstate commerce September 2, 1940, more than five months later contrary to the requirement of the act that no more than five calendar months shall have elapsed between the last day of the month in which the germination test was completed and the date of transportation or delivery for transportation in interstate commerce.
3. The labels failed to bear a lot number or other identification, the percentage of weed seeds, the percentage of inert matter, and the percentage of other agricultural seeds as required by the act.

On October 31, 1941 the Department of Justice advised that the defendant entered a plea of nolo contendere and the court imposed a fine of \$200.00 and costs on each count. The penalty on the second and third counts was suspended.

16. Offering for sale and selling oat seed falsely represented. U. S. v. Harry Adcock. Plea of nolo contendere. Fine, \$25.00. (F. S. 317)

Harry Adcock, Hicksville, Ohio offered for sale and sold for interstate shipment from New York to Ohio oat seed.

Information was filed in the United States District Court for the Northern District of Indiana alleging that Harry Adcock unlawfully offered for sale and sold for interstate shipment oat seed represented as "hybrid" oat seed and represented further that said oats should not be grown from this seed more than three years because of loss of yielding power whereas there are no commercial quantities of hybrid oat seed available.

On January 26, 1942 the defendant entered a plea of **nolo** contendere and the court imposed a fine of \$25.00 and costs.

17. Offering for sale and selling oat seed falsely represented.
U. S. v. Ross Leatherman. Plea of **nolo** contendere. Fine, \$25.00.
(F. S. 318)

Ross Leatherman, Edgerton, Ohio offered for sale and sold for interstate shipment on or about February 27, 1941 from New York to Ohio 4 bags of oat seed.

Information was filed in the United States District Court for the Northern District of Ohio alleging that Ross Leatherman offered for sale, sold, and had delivered in interstate commerce oat seed represented as "hybrid" oat seed whereas there are no commercial quantities of hybrid oat seed available.

On January 26, 1942 the defendant entered a plea of **nolo** contendere and the court imposed a fine of \$25.00 and costs.

18. Offering for sale and selling oat seed falsely represented.
U. S. v. J. W. Arrants, Hicksville, Ohio. Plea of **nolo** contendere,
Fine, \$25.00. (F. S. 319)

J. W. Arrants, Hicksville, Ohio offered for sale and sold for interstate shipment on or about February 27, 1941 and March 14, 1941 from New York to Ohio 12 bags of oat seed.

Information was filed in the United States District Court for the Northern District of Ohio alleging that J. W. Arrants offered for sale, sold, and had delivered in interstate commerce oat seed represented as "hybrid" oat seed and represented further that said oats should not be grown from this seed stock more than three years because of loss of yielding power, whereas there are no commercial quantities of hybrid oat seed available.

On January 26, 1942 the defendant entered a plea of **nolo** contendere and the court imposed a fine of \$25.00 and costs.

COPIED
911

19. False labeling of Sudan grass seed. U. S. v. 323 bags of Sudan grass seed. Seed seized and released under bond to be reconditioned or destroyed. (F. S. 322)

Ross-Hicks Grain Company, Fort Worth, Texas delivered for transportation on April 15, 1941 to Alliance, Nebraska 500 bags of Sudan grass seed.

On July 30, 1941 a libel was filed in the United States District Court for the District of Nebraska praying seizure of 323 bags, more or less, of said Sudan grass seed alleging same to be falsely labeled in violation of the Federal Seed Act. Labels attached to the bags represented the seed to be 98.7 percent pure seed, to have a germination of 90 percent and to be one lot of seed, whereas, samples representing the seed were found to have as low as 95.08 percent pure seed, 2 percent germination and to have such a great variation in the quality of individual bags of seed that said seed could not lawfully be given one lot designation. The seed was seized by the United States marshal.

On January 27, 1942 the claimant filed an application and bond for redelivery of the seed to be reconditioned.

On February 4, 1942 the court ordered the seed be released to the claimant under bond to be reconditioned under the supervision of a representative of the United States Department of Agriculture and all seed germinating less than 65 percent not sold as seed.

20. False labeling of alfalfa seed. U. S. v. 14 bags of alfalfa seed. Seed seized and ordered destroyed. (F. S. 323)

Searle Seed Company, Lewistown, Montana delivered for transportation on May 5, 1941 from Lewistown, Montana to Omaha, Nebraska 14 bags of alfalfa seed.

On August 27, 1941 a libel was filed in the United States District Court for the District of Nebraska praying seizure of said 14 bags of alfalfa seed, and alleging same to be falsely labeled in violation of the Federal Seed Act. Labels attached to the bags represented the seed to be "Montana Alfalfa," whereas a sample representing the seed was found to contain weed seeds indigenous to the Southwestern States. The presence of these weed seeds showed that the lot of alfalfa seed was not wholly of Montana origin. The seed was seized by the United States marshal. On November 26, 1941, no claimant having appeared, the court ordered that the seed be destroyed.

21. False labeling of rye seed. U. S. v. 39 bags of rye seed. Seed seized and ordered sold. (F. S. 324)

OCT 29 1942

U. S. D.

The Rowland Company, Athens, Georgia delivered for transportation on September 22, 1941 from Athens, Georgia to Selma, Alabama 40 bags of rye seed.

On October 28, 1941 a libel was filed in the United States District Court for the Southern District of Alabama praying seizure of 39 bags of said rye seed and alleging same to be falsely labeled in violation of the Federal Seed Act. Labels attached to the bags represented the seed to have a germination of 80 percent whereas a sample representing the seed was found to germinate 56 percent. Of the 40 bags of seed, 30 bags of the seed were seized by the United States marshal.

On April 14, 1942 the court ordered that the seed be sold to be used as feed or some other suitable purpose not in violation of the Federal Seed Act and that the proceeds be deposited in the United States Treasury.

22. False labeling of oat seed. U. S. v. 15 bags of oat seed. Seed seized and destroyed. (F. S. 325)

The Sun-Field Seed Service, Chicago, Illinois delivered for transportation on August 22, 1941 from Chicago, Illinois to Pound, Virginia 15 bags of oat seed.

On November 8, 1941 a libel was filed in the United States District Court for the Western District of Virginia praying seizure of said 15 bags of oat seed, alleging same to be falsely labeled in violation of the Federal Seed Act. Labels attached to the bags represented the seed to be the variety "Winter Turf," whereas samples representing the seed were found to be of the variety "Fulghum." The seed was seized by the United States marshal.

On May 19, 1942, no claimant having appeared, the court ordered that the seed be destroyed.

23. False labeling of rye seed. U. S. v. 63 bags of rye seed. Seed seized and released under bond. (F. S. 326)

A. N. Levin, Chattanooga, Tennessee transported on September 10, 1941 from Chattanooga, Tennessee to Albertville, Alabama, 80 bags of rye seed.

On December 1, 1941 a libel was filed in the United States District Court for the Northern District of Alabama praying seizure of 63 bags of said rye seed and alleging same to be falsely labeled in violation of the Federal Seed Act. Labels attached to the bags represented the seed to have a germination of 89.5 percent and to contain no noxious weed seeds; whereas it was found to germinate 65 percent and to contain corn cockle,

cheat, and plantain seed, all considered noxious weed seeds by the laws of the State of Alabama. The seed was seized by the United States marshal.

On February 19, 1942, the claimant filed an application and bond for redelivery of the seed to be reconditioned.

The court ordered that the seed be released to the claimant under bond, with the stipulation that it would be reconditioned under the supervision of a representative of the United States Department of Agriculture and not be sold contrary to the provisions of the Federal Seed Act.

24. False labeling of beet seed. U. S. v. 5 bags of beet seed. Seed seized and ordered relabeled. (F. S. 327)

Barteldes Seed Company, Denver, Colorado delivered for transportation on October 10, 1941 from Denver, Colorado to Derby, Connecticut, 5 bags of beet seed.

On December 8, 1941 a libel was filed in the United States District Court for the District of Connecticut praying seizure of said 5 bags of beet seed and alleging same to be falsely labeled in violation of the Federal Seed Act. Labels attached to the bags bore in part the statement "Germ. Sprout test 90%," whereas it was found to have a germination of 65 percent. The seed was seized by the United States marshal.

On April 6, 1942 claimant requested that the seed be released to be relabeled under the supervision of a representative of the United States Department of Agriculture, said seed to be redelivered to the consignor.

On the same date the court ordered that the seed be released to the claimant under the stipulation that the seed would be relabeled and not be disposed of contrary to the provisions of the Federal Seed Act.

25. False and incomplete labeling of timothy seed. U. S. v. 65 bags of timothy seed. Seed seized and destroyed. (F. S. 328)

The U. J. Cover Seed Company, Mt. Gilead, Ohio delivered for transportation between August 30, 1941 and September 3, 1941 from Mt. Gilead, Ohio to Cynthiaana, Kentucky, 100 bags of timothy seed.

On December 12, 1941 a libel was filed in the United States District Court for the Eastern District of Kentucky praying seizure of 65 bags of said timothy seed, and alleging same to be falsely labeled in violation of the Federal Seed Act. Labels attached to the bags represented the seed to have a germination of 90 percent and to contain no noxious weed seeds, whereas it was found to germinate 22.75 percent and to contain noxious weed seeds not shown on the label. The seed was seized by the United States marshal.

On January 9, 1942, no claimant having appeared, the court ordered that the seed be destroyed, by burning.

26. False and incomplete labeling of timothy seed. U. S. v. 4 bags of timothy seed. Seed seized and destroyed. (F. S. 330)

Gallia County Produce Company, Gallipolis, Ohio delivered for transportation on October 17, 1941 from Gallipolis, Ohio to Point Pleasant, West Virginia, 5 bags of timothy seed.

On January 17, 1942 a libel was filed in the United States District Court for the Southern District of West Virginia praying seizure of 4 bags of said timothy seed alleging 3 bags of same to be falsely labeled in violation of the Federal Seed Act in that labels attached to the bags represented the seed to have a germination of 82 percent, whereas the seed was found to germinate 43 percent, and also alleging that 1 bag did not bear a label. The seed was seized by the United States marshal.

On February 9, 1942, no claimant having appeared, the court ordered that the seed be destroyed.

27. False and incomplete labeling of bluegrass seed. U. S. v. John W. Hall. Plea of guilty. Fine, \$25.00 (F. S. 331)

John W. Hall, trading as James Hall and Son, Jacksonville, Illinois delivered for transportation April 4 and 5, 1941 from Jacksonville, Illinois to Carmel, Indiana 199 bags of bluegrass seed and on March 4, 1941 from Jacksonville, Illinois to the Dehner Seed Supply Company, Burlington, Iowa, 20 bags of bluegrass seed.

On February 2, 1942 information was filed in the United States District Court for the Southern District of Illinois alleging that John W. Hall did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed. Violations of the Federal Seed Act were as follows:

1. The labels attached to the 199 bags of bluegrass seed failed to show a lot number or the kinds and rates of occurrence of noxious weed seeds; whereas the seed was found to contain red sorrel, buckhorn, curled dock, bracted plantain, and field peppergrass seed, all designated as noxious weed seeds under the laws of the State of Indiana.
2. The labels attached to the 199 bags of bluegrass seed represented the seed to be 91.50 percent pure seed and to contain 8.30 percent inert matter; whereas, the seed was found to be 81.34 percent pure seed, and to contain 17.98 percent inert matter.

3. The labels attached to the 20 bags of bluegrass seed failed to show the kinds and rates of occurrence of noxious weed seeds; whereas, the seed was found to contain buckhorn, sorrel, and dock seed, all designated as noxious weed seeds under the laws of the State of Iowa.
4. Labels attached to the 20 bags of bluegrass seed represented the seed to be 91.50 percent pure seed and to contain 8.30 percent inert matter and .20 percent weed seed; whereas, the seed was found to be 78.38 percent pure seed and to contain 20.55 percent inert matter and 1.07 percent weed seed.

On February 19, 1942 the defendant pleaded guilty and the court imposed a fine of \$25.00.

28. False labeling of lespedeza seed. U. S. v. 16 bags, 25 bags and 90 bags of lespedeza seed. Seed seized and released under bond. (F.S. 332)

R. P. Stegall Company, Marshville, North Carolina delivered for transportation between December 30, 1941 and January 2, 1942 from Marshville, North Carolina to Birmingham, Alabama 290 bags of lespedeza seed consisting of a 40-bag lot and a 250-bag lot. W.N. Wright, Big Creek, Mississippi delivered for transportation from Big Creek, Mississippi to Birmingham, Alabama 385 bags of lespedeza seed.

On February 19, 1942 a libel was filed in the United States District Court for the Northern District of Alabama, praying seizure of 16 bags of the 40-bag lot and 10 bags of the 250-bag lot at Tuscaloosa, Alabama and 90 bags of the 385-bag lot at Birmingham, Alabama and alleging same to be falsely labeled in violation of the Federal Seed Act with respect to the rates of occurrence of dodder seed considered a noxious weed seed by the laws of the State of Alabama.

Of the 675 bags of seed, 356 bags of the seed were seized by the United States marshal.

On March 19, 1942 the claimant filed an application and bond for redelivery of the seed for the purpose of reconditioning and relabeling the seed to comply with the Federal Seed Act. On the same date a decree was issued by the court directing the release of said seed to the claimant with the stipulation that the seed would not be disposed of contrary to the provisions of the Federal Seed Act.

29. False labeling of sorghum seed. U. S. v. 50 bags of sorghum seed. Seed seized and released under bond. (F. S. 340)

Springfield Seed Company, Springfield, Missouri delivered for transportation on February 10, 1942 from Springfield, Missouri to Albany, Georgia 50 bags of sorghum seed.

A libel was filed in the United States District Court for the Middle District of Georgia praying seizure of 18 bags of said sorghum seed and alleging same to be falsely labeled in violation of the Federal Seed Act. Labels attached to the bags bore in part the statement "Orange Cane - Purity 97.00," whereas a sample representing the seed was found to consist of a mixture of Black Amber, Red Amber, Sourless, Honey and other varieties of which only approximately 60 percent are varieties similar to "orange cane" seed. The seed was not suitable for seeding purposes due to the different maturity dates of the different varieties.

The seed was seized by the United States marshal.

The court ordered that the seed be released to the claimant under bond with the stipulation that the seed would not be disposed of contrary to the provisions of the Federal Seed Act.

30. False labeling of mixed seed. U. S. v. 124 bags of mixed seed. Seed seized and released under bond. (F. S. 343)

Chas. H. Lilly Company, Seattle, Washington delivered for transportation on October 17, 1940, March 12, 1941, September 22, 1941 and January 13, 1942 from Seattle, Washington to Portland, Oregon a total of 340 bags of mixed seed.

Libels were filed in the United States District Court for the District of Oregon praying seizure of 124 bags of said seed, and alleging same to be falsely labeled in violation of the Federal Seed Act. Percentages of the various components of each lot of seed as shown on the labels attached to the bags did not agree with the results of tests made on samples representing the seed.

The seed was seized by the United States marshal.

On June 8, 1942 the court ordered that the seed be released to the claimant under bond with the stipulation that it would be relabeled under the supervision of a representative of the United States Department of Agriculture and not be sold or disposed of contrary to the provisions of the Federal Seed Act.

31. False labeling of sorghum seed. U. S. v. 100 bags and 45 bags of sorghum seed. Seed seized and released under bond. (F. S. 344)

The Springfield Seed Company, Springfield, Missouri delivered for transportation on February 11, 1942 from Springfield, Missouri to Cairo, Georgia 145 bags of sorghum seed consisting of a 100-bag lot and a 45-bag lot.

On April 30, 1942 a libel was filed in the United States District Court for the Middle District of Georgia praying seizure of said 145 bags of sorghum seed and alleging same to be falsely labeled in violation of the Federal Seed Act. Labels attached to the 100-bag lot of sorghum seed bore in part the statement "Tex S Rib Cane - Purity 96.00 - Germination 80%" thus representing the seed to be 96 percent pure seed of the variety of sorghum commonly known as "Texas Seeded Ribbon Cane" with a germination of 80 percent, whereas a sample representing the seed was found to be of the "Colman" variety of sorghum seed with a germination of 60 percent. Labels attached to the 45 bags of sorghum seed bore in part the statements "Orange Cane - Purity 98.00," whereas a sample representing the seed was found to consist of a mixture of Black Amber, Red Amber, Honey and other varieties, some of which are of the orange group. The seed was not suitable for seeding purposes due to the different maturity dates of the different varieties.

The seed was seized by the United States marshal.

On June 17, 1942 the court ordered the seed released to the claimant under bond with the stipulation that the seed be used as feed and not be disposed of contrary to the provisions of the Federal Seed Act.

32. False labeling of Sudan grass seed. U. S. v. 92 bags of Sudan grass seed. Seed seized and released under bond. (F. S. 346)

Roberts Seed Company, Farwell, Texas delivered for transportation on April 11, 1942 from Farwell, Texas to Little Rock, Arkansas 92 bags of Sudan grass seed.

On May 12, 1942 a libel was filed in the United States District Court for the Eastern District of Arkansas praying seizure of said 92 bags of Sudan grass seed and alleging same to be falsely labeled in violation of the Federal Seed Act. The seed was labeled in part "NOXIOUS SEED - NONE," whereas it was found to contain Johnson grass, considered a noxious-weed seed in the State of Arkansas, at the rate of 29 per pound. The labels attached to the bags should have shown the words "EXCESSIVE NOXIOUS WEEDS" printed in red, no smaller than 18 point.

The seed was seized by the United States marshal.

On June 2, 1942 the court ordered the seed released to the claimant under bond with the stipulation that the seed would not be disposed of contrary to the provisions of the Federal Seed Act.

INDEX, BY DEALER, TO CASES OF PROSECUTION AND SEIZURE

UNDER THE FEDERAL SEED ACT, 15-32

<u>Dealer and Kind of Seed</u>	<u>Reference No.</u>
Harry Adcock, Hicksville, Ohio	
Oat.....	16
J. W. Arrants, Hicksville, Ohio	
Oat.....	18
Barteldes Seed Company, Denver, Colo.	
Beet.....	24
U. J. Cover Seed Company, Mt. Gilead, Ohio	
Bluegrass.....	15
Timothy.....	25
Gallia County Produce Company, Gallipolis, Ohio	
Timothy.....	26
James Hall and Son, (John W. Hall) Jacksonville, Ill.	
Bluegrass.....	27
Ross Leatherman, Edgerton, Ohio	
Oat.....	17
A. N. Levin, Chattanooga, Tenn.	
Rye.....	23
Chas. H. Lilly Company, Seattle, Wash.	
Mixed Seed.....	30
Roberts Seed Company, Farwell, Tex.	
Sudan Grass.....	32
Ross-Hicks Grain Company, Fort Worth, Tex.	
Sudan Grass.....	19
The Rowland Company, Athens, Ga.	
Rye.....	21
Searle Seed Company, Lewistown, Mont.	
Alfalfa.....	20
Springfield Seed Company, Springfield, Mo.	
Sorghum.....	29
Sorghum.....	31
R. P. Stegall Company, Marshville, N. C.	
Lespedeza.....	28
Sun-Field Seed Service, Chicago, Ill.	
Oat.....	22
W. N. Wright, Big Creek, Miss..	
Lespedeza.....	28